

NEWS FROM ED MARKEY

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NUCLEAR AGENCY RIGS SECURITY TESTING SYSTEM *Markey Says NRC action is like “letting students test and grade themselves”*

Washington, DC: Rep. Edward Markey (D-MA), a senior member of the Homeland Security Committee and the House Energy and Commerce Committee, the panel which oversees nuclear power regulation, today released the Nuclear Regulatory Commission (NRC) response to his August 23, 2004 letter regarding its recent decisions to allow the Nuclear Energy Institute (NEI), the lobbying group that represents the nuclear industry, to hire Wackenhut to test security at nuclear reactors, and to then withhold the results of those tests from the public. The Congressman also sent a follow-up letter with additional questions to the Commission.

“Allowing the nuclear industry to conduct its own security tests and then withhold the results from the public is like letting students test and grade themselves,” said Rep. Markey. “The NRC has sunk to new depths in its willingness to let the nuclear industry call the shots, and the supposed ‘safeguards’ the Commission has touted are unenforceable and inadequate. I will continue to fight this absurd plan and the abdication of leadership in security testing by the NRC.”

Rep. Markey had sent his August 23 letter in response to reports that the NEI hired Wackenhut Corporation to act as a mock terrorist force in force-on-force (FOF) tests at nuclear reactors. Since Wackenhut also provides security services for 30 of the nation’s nuclear power plants (including Seabrook, Pilgrim and Vermont Yankee), using Wackenhut to test security poses a blatant conflict of interest. More fundamentally, given NEI’s self-described role as an advocate and promoter of nuclear power and the fact that NEI is the principal trade association representing the nuclear utilities industry, it is inappropriate for NEI to be involved in assessing the adequacy of security of its member companies.

The NRC response, which Rep. Markey released today:

- Confirmed that the Wackenhut mock terrorist force would be used in future FOF tests, and that NRC staff rejected options that would have used NRC or other federal agency personnel to conduct the tests.
- Maintained that a conflict of interest would be avoided through the use of several “commitments” made by the NEI to the NRC on September 10, 2004, such as the promise to have the head of the mock terrorist team report directly to Wackenhut’s CEO, and a promise not to have a member of the mock terrorist team participate in an exercise at the facility at his or her home site. These commitments were made only after the NRC approved the FOF program and after Rep. Markey sent his letter objecting to these practices. However, these commitments are unenforceable since NRC has no binding authority over either Wackenhut or NEI.

- Failed to provide the documentation surrounding the NRC decision requested by Rep. Markey (but stated this documentation would be provided later)

The FOF tests conducted by the NRC in the 1990s determined that about 50% of nuclear power plants failed to thwart the mock terrorist attacks. The NRC's commitment to this important program has long been problematic. In 1998, Rep. Markey wrote the NRC regarding its plans to eliminate the program entirely (see http://www.house.gov/markey/Issues/iss_nuclear_pr981110.pdf), and Rep. Markey has been fighting the Commission's plans to allow the industry to play an inappropriate role in it ever since (see http://www.house.gov/markey/Issues/iss_nuclear_pr990223.pdf, http://www.house.gov/markey/Issues/iss_nuclear_ltr990708.pdf, http://www.house.gov/markey/Issues/iss_nuclear_ltr000204.pdf and http://www.house.gov/markey/Issues/iss_nuclear_ltr010920nrc.pdf).

After the terrorist attacks of September 11, 2001, Rep. Markey authored legislation that was acted on favorably by the House of Representatives to ensure that the NRC, not the nuclear industry, was required to evaluate the FOF tests.

Please see <http://www.house.gov/markey/nucreactorsec.htm> for the NRC response to Rep. Markey's letter.

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